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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,903	04/16/2004	James F. Nagy	28957/04000	8904

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MCNEES, WALLACE & NURICK LLC
100 PINE STREET
P.O. BOX 1166
HARRISBURG, PA 17108-1166

EXAMINER

SHAHER, RICKY D

ART UNIT	PAPER NUMBER
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2872

DATE MAILED: 09/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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Commissioner for Patents

See attachment.

Art Unit: 2872

1. The reply filed on 06/30/2006 is not fully responsive to the prior Office action because of the following omission(s) or matter(s): Applicant argues that new claims 22-40 are readable on the elected species, i.e., Species "A". However, this is not the issue at hand. The issue at hand is that newly submitted claims 22-40 are directed to new invention (i.e., a Combination) that is independent or distinct from the originally claimed invention (i.e., a Subcombination) for the reasons as stated below. Please note that since applicant has received an action on the merits for the originally present invention (i.e., a subcombination), this invention has been constructively elected by original presentation for prosecution on the merits. See 37 C.F.R. 1.142 (b) and MPEP 821.03. Accordingly, in order to be fully responsive to this communication, applicant is required to include at least one claim of which is drawn to the originally claimed invention (i.e., of which includes all of the particular details of the original subcombination). Failure to provide such a response will result in the application being held abandoned. See 37 CFR 1.111. Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Note: The amendment filed on 2/13/2006 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because the newly submitted claims 22-40 fail to include that the prismatic device includes a substantially solid light dispersing medium, the angle of the reflective surface relative to said window is fixed (as

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recited in original claim 1) or a single optical window set at a predetermined angle of about 30 degrees (as recited in original claim 21). Furthermore, the newly submitted claims add separate details of at least one light-admitting surface, the angle of at least one light-reflecting surface being adjustable relative to the at least one light admitting surface, and wherein the at least one light-reflecting surface reflects a portion of the dispersed light back out of the prismatic device (as recited in newly submitted claims 22-27); a first active surface further comprises at least one light-admitting surface, a second active surface further comprises at least one light reflective surface, wherein the angle of at least one light-reflecting surface being changeable relative to the at least one light admitting surface (as recited in claims 28-34); or at least one light-admitting surface, the angle of at least one light-reflecting surface being adjustable relative to the at least one light admitting surface, wherein the at least one light-reflecting surface reflects a portion of the dispersed light back out of the prismatic device and a display surface (as recited in newly submitted claims 35-40), which would require a search in class 359, subclasses 832, 872 and 900 which would not be required for the elected invention.

In addition, newly submitted claims are directed to an invention that is independent or distinct from the elected invention for the following reasons:

The newly submitted and elected inventions are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because of the omission of the details that the

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prismatic device includes a substantially solid light dispersing medium, the angle of the reflective surface relative to said window is fixed or a single optical window set at a predetermined angle of about 30 degrees, as evidenced by newly submitted claims 22, 28 and 35. The subcombination has separate utility such as a system for creating a spectral displays without at least one light-admitting surface, the angle of at least one light-reflecting surface being adjustable relative to the at least one light admitting surface, and wherein the at least one light-reflecting surface reflects a portion of the dispersed light back out of the prismatic device (as recited in newly submitted claims 22-27), a first active surface further comprises at least one light-admitting surface, a second active surface further comprises at least one light reflective surface, wherein the angle of at least one light-reflecting surface being changeable relative to the at least one light admitting surface (as recited in claims 28-34), or at least one light-admitting surface, the angle of at least one light-reflecting surface being adjustable relative to the at least one light admitting surface, wherein the at least one light-reflecting surface reflects a portion of the dispersed light back out of the prismatic device and a display surface (as recited in newly submitted claims 35-40).

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ricky D. Shafer whose telephone number is (571) 272-2320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RDS

September 17, 2006


RICKY D. SHAFER
PATENT EXAMINER
ART UNIT ~~2872~~ 2872